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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,884	02/06/2004	Jerome Daniels	338p-Daniels	7458

7590

12/29/2005

The Law Office of Craig W. Barber
PO Box 16220
Golden, CO 80402-6004

EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,884

Applicant(s)

DANIELS, JEROME

Examiner

Hau V Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment

1. The amendment filed on 11/18/2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1 and 7-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Brilanchik (5,497,918).**

Brilanchik in figure 1, discloses a system for dispensing in a vehicle comprising a liquid supply apparatus for occupants of a vehicle. The apparatus comprises a liquid supply reservoir (2), a thermoelectric liquid heat exchanger (5, notice the phrase “liquid heat exchanger, that can be meant the liquid is heated by the electric) that can be disposed in such structure of such vehicle. The thermoelectric liquid heat exchanger having an operative liquid connection from the liquid supply reservoir, whereby liquid within such operative liquid connection may have its heat content altered by the thermoelectric liquid heat exchanger. Brilanchik also discloses a liquid dispenser (7) having a first position on the exterior of such dashboard of such vehicle. The liquid dispenser has an operative liquid connection from the thermoelectric liquid heat

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exchanger and a pump disposed in such structure of such vehicle and operatively connected to at least one of the liquid connections, whereby liquid may be urged to pass from the reservoir through the thermoelectric liquid heat exchanger to the liquid dispenser, wherein the liquid connections that can be disposed inside of such structure of such vehicle.

Regarding claims 7-8, Brilanchik discloses the reservoir having an esthetically pleasing exterior and an exterior appearance similar to a home appliance.

Regarding claim 9, Brilanchik discloses the pump, which is an electrical pump having a directly wired operative electrical connection to the vehicle electrical system.

Regarding claim 10, Brilanchik discloses the pump, which is a mechanical pump powered by the mechanical energy of the engine.

Regarding claim 11, Brilanchik discloses a first switch having a first position in which it provides electrical energy to the pump and a second position in which it prevents flow of electrical energy, and a second switch in series with the first switch. The second switch has a default position in which it prevents flow of electrical energy. The second switch disposed upon the liquid dispenser, which is dimensioned and configured such that when the liquid dispenser is used by an occupant of such vehicle, the second switch is activated to provide electrical energy to the pump.

Regarding claim 12, Brilanchik discloses the first switch, which is the vehicle ignition switch.

Regarding claim 13, Brilanchik discloses the first switch, which can be mounted on the driver's side door.

Regarding claim 14, Brilanchik discloses a conduit having a hollow core and two ends, and each end further comprises an adapter having a first connected position and a second disconnected position.

Regarding claim 15, Brilanchik discloses the thermoelectric liquid heat exchanger having a directly wired operative electrical connection to the vehicle electrical system, whereby when the vehicle electrical system is on, the thermoelectric liquid heat exchanger receives electrical energy from the vehicle electrical system.

4. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brilanchik (5,497,918) as applied to claim 1 above, and further in view of Mieglitz et al. (6,070,927).

Brilanchik disclose the liquid dispenser, but fail to show the liquid dispenser having a first and second position.

Mieglitz et al. in figure 1, teach a container in a vehicle, which is located in a glove compartment. The container has a first position and a second position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the drinking water supply for automobile purpose that may be installed in the automobile of Brilanchik with the container in a vehicle, which is located in a glove compartment to provide a first position and second position as taught by Mieglitz et al. in order to provide a convenient to a user to use and accessible to the system.

Response to Arguments

5. Applicant's arguments filed 11/18/2005 have been fully considered but they are not persuasive. In response to applicant's arguments that the liquid heat exchanger of the '918 reference is liquid-to-liquid and is not under any mechanical or legal definition of a "thermoelectric" heat exchanger. The examiner agrees, but the claim recite a phrase "a thermoelectric liquid heat exchanger" that can be understand in different way. In the '918 reference the coil (42) is contained of liquid, but is heated by the electric. Therefore, it can be called thermoelectric **liquid** heat exchanger. The examiner suggest to rewrite the claim as "A vehicle having a liquid supply, a dashboard and a structure" and change "a thermoelectric liquid heat exchanger" to -- a thermoelectric heat exchanger having an electric coil, which is wound around a liquid connection to heat or cool the liquid connection, said liquid connection is connected between the liquid reservoir and a liquid dispenser --. The examiner is not sure the preamble is a combination of a liquid supply apparatus and a vehicle or just a liquid supply apparatus for use on a vehicle". If the applicant just claim a liquid supply for use on a vehicle, a camping cooler may be use to meet the claim recitation.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau V Phan
12/22/05

Hau V Phan
Primary Examiner
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